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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,550	02/02/2001	Toshiaki Nakano	P107156-00051	8044
7590	02/11/2004		EXAMINER	
AREN'T FOX KINTNER PLOTKIN & KAHN, PLLC 1050 CONNECTICUT AVENUE, N.W., SUITE 600 Washington, DC 20036			CHEN, CHONGSHAN	
			ART UNIT	PAPER NUMBER
			2172	4
DATE MAILED: 02/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/773,550	NAKANO ET AL.
Examiner	Art Unit	
Chongshan Chen	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 January 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 5 and 7-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 5 and 7-9 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: RCE, filed on 13 January 2004. Claims 5 and 7-9 are pending. This action is non-final.

#### *Response to Arguments*

2. As per applicant's arguments regarding the references fail to disclose a retrieval database storing data on the service providing area of registered shops have been considered but are not persuasive. Cupps teaches database storing data on the service providing area of registered shops (Cupps, col. 5, lines 51), and retrieving shops whose service providing/delivery area is within the customer's location (Cupps, Fig. 8 – 12C, col. 2, lines 19-61).

3. As per applicant's arguments regarding the references do not disclose a registered user database storing user information, to retrieve user information from said registered user database based on an entry on the information terminal, and retrieve said list of shops capable of providing the service and said service request data based on the retrieved user information have been considered but are not persuasive. Cupps teaches a registered user database storing user information (Cupps, Fig. 3B, element 150), to retrieve user information from said registered user database based on an entry on the information terminal (Cupps, Fig. 12A & 12B, the user enters his/her user name and password on the information terminal, then the system retrieves the user information from the user database if the user is a repeat customer), and retrieve said list of shops capable of providing the service and said service request data based on the retrieved user information (Cupps, Fig. 12C).

4. As per applicant's arguments regarding the references do not disclose the retrieval site include entry of a destination of the provided service on the service request screen displayed on

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the information terminal is performed on a map image displayed based on the map information data read out from said map information database by said map server of said map database site have been considered but are not persuasive. Takaya teaches entry of a destination of the provided service on the service request screen displayed on the information terminal is performed on a map image displayed based on the map information data read out from said map information database by said map server of said map database site (Takaya, Fig. 11 & 12, please click the area you wish to go shopping now).

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 5 recites the limitation "said list of shops" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 7 recites the limitation "said list of shops" in the last paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takaya et al. ("Takaya", JP 2,956,587) in view of Cupps et al. ("Cupps", 5,991,739).

As per claim 7, Takaya discloses a service providing area retrieval system comprising:  
a retrieval site and a map database site respectively connected to a computer network  
(Takaya, Fig. 1, Fig. 2, element 15, 18, map file and map information),  
said retrieval site comprising:  
a retrieval server (Takaya, Fig. 1),  
a retrieval database storing data on genres of handled merchandises and service providing areas of registered shops (Takaya, Fig. 2, Store information - Type of industry, Map file), and  
a registered shop database storing service request data of each shop registered for the retrieval database (Takaya, Fig. 2, Store information),

said map database site comprising:  
a map server (Takaya, Fig. 2), and  
a map information database storing map image data (Takaya, Fig. 2),  
wherein said retrieval server of said retrieval site retrieves shops whose genres of handled merchandises from said retrieval database correspond to a desired merchandise genre entered at an information terminal connected to said retrieval site and whose service providing area from said retrieval database includes a destination entered at the information terminal connected to said retrieval site, and displays a map image on which the destination and retrieved shops are indicated, and after a shop is selected based on the map image, retrieves the service request data

of the selected shop from said registered shop database, and displays the service request data on the information terminal (Takaya, Fig. 1-2, Fig. 6, To find shops on the map ... Fig. 10 - 25).

Takaya doesn't explicitly disclose sends the requested service contents to the selected shop, wherein said retrieval site further includes a registered user database storing user information, to retrieve user information from said registered user database based on an entry on the information terminal, and retrieve said list of shops capable of providing the service and said service request data based on the retrieved user information. Cupps discloses sends the requested service contents to the selected shop (Cupps, Fig. 1, 106, Online Ordering Machine, Fig. 11), a registered user database storing user information (Cupps, Fig. 3B, element 150), to retrieve user information from said registered user database based on an entry on the information terminal (Cupps, Fig. 12A & 12B, the user enters his/her user name and password on the information terminal, then the system retrieves the user information from the user database if the user is a repeat customer), and retrieve said list of shops capable of providing the service and said service request data based on the retrieved user information (Cupps, Fig. 12C). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an online order screen, a user database and shop's delivery locations as disclosed by Cupps in the system of Takaya in order to allow the customer to order product online and deliver the product to the customer. This will save the customer shopping time.

As per claim 8, Takaya and Cupps teach all the claimed subject matters as discussed in claim 7, and further disclose an entry of the destination of the provided service on the information terminal is performed on a map image displayed based on the map information data read out from said map information database by said map server of said map database site

(Takaya, Fig. 10, Let's search from the map, ... Fig. 11, Please click the area you wish to go shopping now, Fig. 12-25).

Claims 9 and 5 are rejected on grounds corresponding to the reasons given above for claims 7-8.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ohrn (6,356,874) discloses a computer-based method and system for ordering services.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is 703-305-8319. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703)305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 5, 2004



SHAHID ALAM  
PRIMARY EXAMINER